

REMARKS

This Response addresses the Office Action mailed on December 2, 2003. A diligent effort has been made to respond to the rejections contained therein, and reconsideration is respectfully requested in view of this Response.

Claims 37 and 38 are allowed over the prior art of record. Claims 1-6, 12, 15-17, 20-25, 30, 33 and 34 presently stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,578,068 issued to Bowman-Amuah (hereinafter "Bowman"). Claims 7, 8, 10-11, 13-14, 18-19, 26-29 are presently objected to as being dependent upon a rejected base claim. The Applicant acknowledges with appreciation the Examiner's indication that claims 7, 8, 10, 11, 13, 14, 18, 19, 26-29, 37, and 38 are directed to allowable subject matter.

As an initial matter, Applicant would like to note a change in Attorney Docket Number. Please update all records at the United States Patent and Trademark Office (PTO) to reflect the new Attorney Docket Number of 039916600001. Please use this new Attorney Docket Number when corresponding with the undersigned regarding the above-captioned case.

The Applicant acknowledges the Examiner's acceptance of the drawings filed on May 26, 2000. The Applicant further acknowledges the Examiner's consideration of the Information Disclosure Statement (IDS) dated August 24, 2000; however, the Applicant notes that initialed PTO-1449 equivalents for previously submitted IDS's from July 25, 2002 and February 3, 2003 were not provided along with the present Office Action. Applicant hereby requests that the Examiner provide initialed copies of the PTO-1449 equivalents from these previously submitted IDS's; for the Examiner's convenience, Applicant has provides copies of the previously submitted IDS along with copies of the acknowledgement receipts from the PTO acknowledging

receipt of these IDS's. As these IDS's were filed electronically and only listed U.S. Patents and Published Applications, copies of the listed references were not required to be submitted.

Applicant also notes that a previously submitted Preliminary Amendment does not appear to have been entered in the above-captioned case. The Preliminary Amendment includes an amendment to the specification providing a priority claim to Applicant's prior U.S. Patent Application No. 09/513,546, filed February 25, 2000, now U.S. Patent No. 6,654,795. Please update all records at the PTO to reflect this priority claim. A copy of the previously submitted Preliminary Amendment and the return acknowledgement postcard indicating receipt of this Preliminary Amendment by the PTO are enclosed herewith.

Applicant has amended the specification to properly characterize the relationship between the present application and this application's parent. Applicant has also amended the specification to update the status of the parent as now issued U.S. Patent No. 6,654,795.

The Applicant respectfully traverses the claim rejections and objections in the present office action and requests allowance of all pending claims. In rejecting claims 1, 12, 21, and 30 the Examiner has asserted that Bowman teaches "issuing content management directives with respect to the data sets so as to maximize efficient access to the data sets" and attributes such teachings to Bowman at 2: 28-49. (Office Action, ¶2.) This portion of Bowman states:

A determination is made as to which server component on the listing of available server components is most appropriate to receive a particular request. Each particular request of the second subset of requests is sent to the selected server component determined to be most appropriate to receive the particular request.

In one embodiment of the present invention, the determination of which server component is the most appropriate may be performed by allocating the requests on a round-robin basis whereby requests are assigned to consecutive server components by traversing along

the listing of available server components. In another embodiment of the present invention, the determination of which server component is the most appropriate may also include calculating an amount of utilization that each available server component or the client is currently experiencing.

In one aspect of the present invention, the amount of utilization of each available server components may be calculated based on current CPU utilization, kernel scheduling run-queue length, current network traffic at a node to the server component, and/or a number of requests currently being serviced.

For Bowman to anticipate the claims in the present application, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

The Applicant asserts that neither this portion, nor other portions of Bowman, teach or suggest "issuing content management directives to the one or more storage systems" as required by claims 1, 12, 21, and 30. Page 3 of the present application provides in relevant part:

Each indexing system monitors usage of content stored on the storage systems. Based upon usage of particular content, an indexing system may issue requests such as move, delete, or copy to more efficiently utilize the overall storage capacity of the storage system. When an indexing system determines that a particular data set (file) is in high demand, a copy request may issue to spread the usage across the storage system. When an indexing system determines that a particular data set (file) is not being accessed often enough to justify the number of times that it is stored across the storage device systems, the indexing system may issue a delete request to one of the storage device systems containing the particular data set. When an indexing system determines that a particular storage device system is being selected significantly more than others, the indexing system may issue a move request with respect to particular data sets stored.

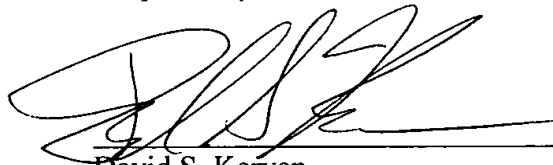
Claims 1, 12, 21, and 30 require "issuing a content management directive." These directives "manage content across storage systems" by, for example, copying, moving, or

deleting the stored data. Bowman, in contrast, discloses allocating user requests among server components, "[a] determination is made as to which server component on the listing of available server components is most appropriate to receive a particular request." 2: 28-30. The Examiner states that Bowman discloses an indexing system comprising a data store by keeping "a listing of available server components and the server component, which is most appropriate to receive a particular request." (Office Action, ¶ 2.) But Bowman does not disclose a method or system for "managing" availability of server components on particular servers by "issuing a content management directive." Bowman does not disclose "managing" the stored list of available servers by issuing a content management directive, e.g. delete, copy, or move server components, particularly not based on usage of specific server components. For at least the reasons provided above, the Applicant asserts that claims 1, 12, 21, and 30 are allowable over Bowman because Bowman fails to teach or suggest a method or system for "issuing content management directives with respect to the data sets so as to maximize efficient access to the data sets." Additionally, since claims 2-11, 13-20, 22-30, and 31-36 depend respectively from claims 1, 12, 21, and 30 and therefore, include all limitations of the claims from which they depend, the Applicant further asserts that these claims should also be allowable for at least the reasons provided above.

In view of these remarks, Applicant respectfully requests withdrawal of the Examiner's rejection, allowance of claims 1-38 and issuance of a Notice of Allowance to that effect. The Examiner is invited to contact the undersigned if such contact would assist in the further prosecution of this case.

No fee is believed due with respect to this response; a \$210 fee has been submitted concurrently herewith along with Applicant's request for an extension of time. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with this response to Jones Day's Deposit Account No. 502724, ref: 039916-600001.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. S. Kerven', is written over a horizontal line.

David S. Kerven
Registration No. 43,712

JONES DAY
Customer No. 36587
Phone: 404-521-3939
Fax: 404-581-8330
e-mail: dskerven@jonesday.com



RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO: Assistant Commissioner for Patents
Washington, D.C. 20231

Docket No. 1357.502U1

Inventor: COILE, Brantley

Serial No.: 09/579,961

Filing Date: May 26, 2000

Title: SYSTEM AND METHOD FOR CONTENT MANAGEMENT
OVER NETWORK STORAGE DEVICES



Date of First Class Mailing: August 24, 2000

Please confirm receipt of the documents below by applying your date stamp (and Serial No.):

Certificate of Mailing Under Section 1.8, 1 pg.

Information Disclosure Statement Transmittal, 2 pgs.

IDS Cover Sheet

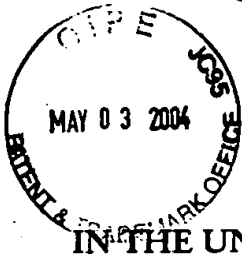
IDS form PTO-1449 with 27 prior art references (IDS-2 pgs.; references in redwell folder)

Preliminary Amendment, 2 pgs.

Revocation and Substitute Power of Attorney, 1 two-sided pg.

Return receipt postcard

Atty: David S. Kerven, Esq., Reg. No. 43,712
Red Hot Law Group of Ashley, LLC



ATTORNEY DOCKET NO. 1357.502U1
UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
COILE, Brantley)
Serial No. 09/579,961) Group Art Unit:
Filed: May 26, 2000) Examiner:
Title: SYSTEM AND METHOD FOR CONTENT)
MANAGEMENT OVER NETWORK)
STORAGE DEVICES)

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

RED HOT LAW GROUP OF ASHLEY LLC
817 W. Peachtree St., NW Suite 400
Atlanta Georgia 30308

August 23, 2000

Sir:

Applicant would first like to note the change in attorney docket number as indicated above. Please enter attorney docket number 1357.502U1 in your tracking systems and use this attorney docket in future correspondences.

Prior to substantive examination of the above-captioned information, please enter the following amendment.

SPECIFICATION

In the specification, please make the following amendment below the application title and above the phrase BACKGROUND OF INVENTION at line 4 on page 1 of the application:

CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation of U.S. Patent Application Serial No. 09/513,146, filed February 25, 2000, entitled "SYSTEM AND METHOD FOR DISTRIBUTION OF NETWORK FILE ACCESSES OVER NETWORK STORAGE DEVICES."

Remarks

Applicant does not believe that any fees are due as a result of this amendment; however, the Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to deposit account 501496.

Respectfully submitted,

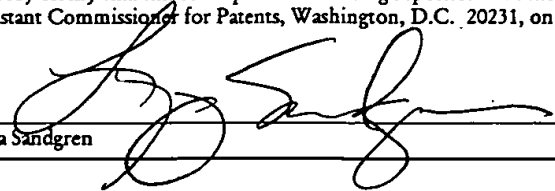
RED HOT LAW GROUP OF ASHLEY, L.L.C.



Dr. David S. Kerven, Esq.
Registration No. 43,712

The Biltmore
817 W. Peachtree St., NE, Suite 400
Atlanta, Georgia 30308-1138
(404) 575-1900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.


Lyza Sandgren

8.24.00
Date

Acknowledgment Receipt

SUBMISSION TYPE: Information Disclosure Statement

APPLICATION NUMBER: 09579961

FIRST NAMED INVENTOR: Brantley Coile

TITLE OF INVENTION: SYSTEM AND METHOD FOR CONTENT MANAGEMENT OVER
NETWORK STORAGE DEVICES

ATTORNEY DOCKET NUMBER: 03072.0003

FILE LISTING:

transmittal tran030273U1V2.xml 6001 Bytes
us-information-disclosure-statement 030273U1V2ids.xml 5683 Bytes
us-information-disclosure-statement us-ids.dtd 11983 Bytes
us-information-disclosure-statement e-idssta.xml 17508 Bytes

EFS ID: 22675

FILE SIZE: 18752 Bytes

TIMESTAMP: Mon Feb 03 13:50:25 EST 2003

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DIGITAL CERTIFICATE HOLDER NAME: cn=David Scott Kerven, ou=Registered Attorneys

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By <u>[Signature]</u>	Date <u>2/3/03</u>
Reviewed <u>[Signature]</u>	
Name/Date	

Electronic Information Disclosure Statement

SYSTEM AND METHOD FOR CONTENT MANAGEMENT OVER NETWORK STORAGE DEVICES

Application: *09/579961*
 09/579961
 Confirmation: 1023
 Applicant(s): Brantley Coile
 Docket Number: 03072.0003
 Group Art Unit:
 Examiner: SHEIKH, AYAZ R
 search string: (6466966 or 6421674 or 6341311 or 6330606 or 6286045 or 6278992 or 6216123 or 6189030 or 6182121 or 5974412 or 20020010783).pn.

☒ *That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.*

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	P01	6466966	2002-10-15	*6466966*	Kirsch et al.		
	P02	6421674	2002-07-16	*6421674*	Yoakum et al.		
	P03	6341311	2002-01-22	*6341311*	Smith et al.		

	P04	6330606	2001-12-11	*6330606*	Logue et al.
	P05	6286045	2001-09-04	*6286045*	Griffiths et al.
	P06	6278992	2001-08-21	*6278992*	Curtis et al.
	P07	6216123	2001-04-10	*6216123*	Robertson et al.
	P08	6189030	2001-02-13	*6189030*	Kirsch et al.
	P09	6182121	2001-01-30	*6182121*	Wlaschin
	P10	5974412	1999-10-26	*5974412*	Hazlehurst et al.

Published Applications

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	U01	20020010783	2002-01-24	*20020010783*	Primak et al.		

Remarks

(Remarks are not for responding to an office action.)

Submitted herinabove is a listing of documents known to applicants and/or their attorneys in compliance with the requirements of 37 C.F.R. 1.56. Applicants believe that this Supplemental Information Disclosure Statement (IDS) is being submitted in accordance with 37 C.F.R. 1.97(b) before issuance of the first office action on the merits in the above-captioned application. Applicants submit herewith a certification under 37 C.F.R. 1.97(e) should this Supplemental IDS be submitted after the mailing date of the first office action. Consideration of the cited documents and making the same of record in the above-captioned application are respectfully requested. No fee is believed due for this submission; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 14-0629.

Signature

Examiner Name	Date

Acknowledgment Receipt:

SUBMISSION TYPE: Information Disclosure Statement

APPLICATION NUMBER: 09579961

FIRST NAMED INVENTOR: Brantley Coile

TITLE OF INVENTION: SYSTEM AND METHOD FOR CONTENT MANAGEMENT OVER

• NETWORK STORAGE DEVICES

ATTORNEY DOCKET NUMBER: 03072.0003

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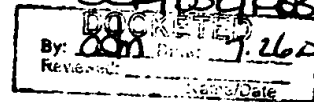
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TIMESTAMP: Thu Jul 25 07:49:25 EDT 2002

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DIGITAL CERTIFICATE HOLDER NAME: cn=David Scott Kerven, ou=Registered Attorneys

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Electronic Information Disclosure Statement

SYSTEM AND METHOD FOR CONTENT MANAGEMENT OVER NETWORK STORAGE DEVICES

Application: *09/579961*
 Confirmation: 09/579961
 Confirmation: 1023
 Applicant(s): Brantley Coile
 Docket Number: 03072.0003
 Group Art Unit: 2155
 Examiner: Sheik, Ayaz
 search string: (5550984 or 5793763).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	P01	5550984	1996-08-27	*5550984*	Gelb		
	P02	5793763	1998-08-11	*5793763*	Mayes et al.		

Signature

Examiner Name	Date